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SSEE REGULATORY
ILLE, TENNESSEE
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OFFICE OF THE
EXECUTIVE SECRETARY

Docket No. 00-00562

MOTION OF CITY OF BRISTOL TO INTERVENE

Comes the City of Bristol Tennessee, a municipal corporation, and moves the Tennessee Regulatory Authority for leave to intervene in this proceeding pursuant to Tennessee Code Annotated § 4-5-310(a) and Rule 1220-1-1-.08. In support of this motion, the City of Bristol would respectfully show as follows:

1. The movant is a Tennessee municipal corporation which has been in continuous existence since 1856.
2. United Cities Gas Company (hereinafter "United Cities") filed on June 30, 2000, a *Petition for Approval of Various Franchise Agreements* (hereinafter the "Petition") pursuant to Tennessee Code Annotated § 65-4-107.
3. A franchise agreement between United Cities and the City of Bristol is one of the subjects of the Petition.
4. By order filed on October 23, 2000, the Consumer Advocate Division of the Office of the Attorney General (hereinafter the "Consumer Advocate") was allowed to intervene in this proceeding.

5. The Consumer Advocate challenges Bristol's franchise agreement with United Cities on the ground that the negotiated fee provisions are contrary to the holding of the Tennessee Court of Appeals in the unreported case of City of Chattanooga v. BellSouth Telecommunications, Inc., No. E1999-01573-COA-R3-CV, 2000 WL 122199 (Tenn. App. January 26, 2000).

6. The City of Bristol believes the Consumer Advocate's reliance on the BellSouth case is misplaced, and the statements made in the Consumer Advocate's petition reflect a fundamental misunderstanding of the settled law of this state regarding the authority of local governments to negotiate franchise agreements with utility companies.

7. Bristol's franchise agreement with United Cities was the product of extensive, arms-length negotiations between the city and the gas company.

8. Following two public readings of the franchise agreement and a public hearing, the Bristol city council approved the franchise agreement. In doing so, the city council was acting in the public interest as the duly elected representatives of the citizens of the city.

9. The City of Bristol believes its franchise agreement with United Cities is necessary and proper for the public convenience and properly conserves the public interest.

10. Substantial legal interests of the citizens of Bristol, acting through their elected representatives, to enter into a franchise agreement are at issue and will likely be determined in this proceeding.

11. The City of Bristol desires to intervene in this proceeding in order to assert and protect the public interests of its citizens.

WHEREFORE, the City of Bristol respectfully requests that it be allowed to intervene and participate in this proceeding.

CITY OF BRISTOL TENNESSEE

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CERTIFICATE OF SERVICE

The undersigned certifies that on November 29, 2001, copies of this motion were served by mailing the same by first-class mail, postage prepaid, addressed as follows:

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